

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

JAMES MICHAEL MURRAY,

Defendant.

No. C-12-1288 EMC

**ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT'S
MOTION TO STAY**

(Docket No. 27)

Defendant has moved to stay the instant civil action because of a pending criminal action against him. In *Keating v. Office of Thrift Supervision*, 45 F.3d 322 (9th Cir. 1995), the Ninth Circuit provided the governing standard as to when a civil action should be stayed because of a pending criminal action. Applying that standard, the Court **GRANTS** in part and **DENIES** in part Defendant's motion. Plaintiff shall be permitted to take the third-party discovery discussed at the hearing (*i.e.*, document discovery). Allowing Plaintiff to take third-party discovery will not infringe on Defendant's Fifth Amendment rights. Defendant may also engage in third-party discovery.

IT IS SO ORDERED.

Dated: August 28, 2012


EDWARD M. CHEN
United States District Judge